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Office of the Secretary  
Federal Communications Commission  
9300 East Hampton Drive  
Capitol Heights, MD 20743

RE: Comments  
MM Docket No. 98-204

Dear Friends:

We live in a capitalist society where only the most wealthy citizens can survive without employment.<sup>1</sup> For everyone else access to employment is tantamount to access to food, shelter, medical treatment, education and virtually all the goods and services that make life liveable. Americans often speak as if a worker's access to employment is a privilege. The FCC, for example, views a person's ability to engage in the broadcasting business as a privilege. The District of Columbia Bar views my ability to practice law as a privilege. But if all our opportunities to work are mere privileges, our only right is to steal a living and we know this is not the case. In America access to work is a fundamental human right, even if the government doesn't always recognize it.

One of the welcome instances in which the government vindicates our right to earn a living is in the area of equal employment opportunity. The general EEO policy set out in Rule 73.2080 is almost perfect, although I fail to see the need for the "true believer" exception given religious broadcasting.

The FCC's more specific EEO requirements are not nearly as perfect as its general policy and have not been as effective as they could be in fostering equal employment opportunity. First of all, the FCC's EEO policies have often presumed that minorities and women seek employment in broadcasting by contacting minority and women organizations or by reading advertisements in media of particular interest to minorities and women. This is nonsense, and the FCC's EEO

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This is not to suggest that our wealthiest citizens are not employed....just that their wealth could sustain them if they were not employed.

Program Reports prove that this is nonsense. For decades the FCC has collected data on job referrals to broadcasters from women and minority groups. I have read these reports for years and haven't seen any sources of broadcast job referrals less productive than groups like the NAACP, NOW, SALAD and LULAC.

This should surprise no one. Minority and women's groups such as the NAACP, NOW, SALAD and LULAC were not created to be employment agencies for broadcasters. Policies that require broadcasters to contact these groups to seek employees are almost completely pointless.

This brings me to what I regard as a critical flaw in the FCC's equal employment opportunity regulatory scheme. The FCC is more concerned with measuring employment than it is with fostering equal employment opportunity. To this end broadcasters are asked to compile data on ethnicity and gender of job applicants, even applicants they never meet and applicants for jobs that don't exist. How many unsolicited resumes are received each year by broadcast stations? Keeping records on the race, ethnicity and gender of everyone who wants to be in show business is not the essence of equal employment opportunity. It is a monumental waste of time and money.

Instead of measuring every aspect of race, ethnicity and gender in employment, the FCC would be far more helpful to broadcasters and to potential employees if it used some of the money it extracts from those it regulates to provide a job clearance center. Let broadcasters post jobs on the FCC website. Broadcast stations and broadcast associations could promote the FCC job center with public service announcements.

The FCC should seriously consider helping broadcasters to recruit on an equal opportunity basis. Past regulatory schemes have been costly, ineffective and apparently unconstitutional.

Years of experience has demonstrated that the endless measurement of broadcast employment recruitment is a dead end. Its time for the FCC to play a constructive role in implementing EEO policies. Help someone get a job.

Sincerely yours,

Joseph A. Belisle